

News from Ed Markey

United States Congress

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Massachusetts Seventh District

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Markey Letter to the NRC following up on Terrorism at Nuclear Plants

Shirley Ann Jackson
Chairman
Nuclear Regulatory Commission
Washington, DC 20555

Dear Ms. Jackson;

I would like to express deep concern about proposed changes to the Nuclear Regulatory Commission (NRC) counter-terrorism programs called Operational Safeguards Response Evaluations and Regional Assists (OSRE). While I await a final response to my November 11, 1998 letter to you, and greatly appreciate the commitment you stated in your December 15, 1998 interim response to improve the program, I think it important to highlight some additional issues as the Commission completes its current deliberations regarding changes in the program. Most importantly, I would like to underscore my concern that neither the nuclear industry nor the NRC senior staff appears to be taking seriously the threat from terrorist attacks and sabotage on commercial nuclear plants in the U.S.

As you know, the Administration's concern about related terrorist threats is growing; the FY 2000 budget request would boost counter-terrorism spending by 12% to \$8.5 billion, including \$1.4 billion to counter terrorist use of weapons of mass destruction. Yet NRC staff last year quietly tried to eliminate NRC's only counter-terrorism program for nuclear power plants, OSRE, which simulates terrorist attacks to test nuclear plants' detection systems and armed response (at an annual cost of three employee salaries and \$90,000 in contracts). Written protests from eleven NRC inspectors and specialists followed by media attention and my letter prompted you to reinstate the program temporarily and to accelerate staff review of future options. I would also note that NRC's contribution to a terrorism threat assessment program, the joint NRC/Department of Energy Communicated Threat Credibility Assessment Team (CAT), has been eliminated despite reported protest by the FBI, and I have heard that NRC assistance to Russia in securing its nuclear materials sites is being cut.

Your December 15, 1998 letter promised "to identify more effective and more efficient methods of testing licensees' contingency response capabilities." Unfortunately, the NRC staff recommendations in SECY-99-024 (January 22, 1999) would appear to make the program less effective with little savings from an already efficient program. The current head of the OSRE program, Capt. David Orrick, in his February 3, 1999 Differing Professional Opinion states that the staff recommendations "are weak and non-committal, and will reduce the effectiveness and efficiency of the nuclear power industry's counter-terrorist capability." Although somewhat vague, SECY-99-024 seems to suggest that the current periodic force-on-force drills run by NRC expert staff and contractors be replaced by licensee-run exercises of unspecified frequency to be observed by local NRC inspectors. No mention is made of how the crucial expertise of the OSRE program staff and contractors is to be used or replaced.

More disturbing, the program is to be handed over to an industry that in 47% of OSRE drills to

date has been unable, after months of preparation, to prevent simulated sabotage that could have caused core damage and radioactive release. In some cases mock terrorists have reached their targets without being challenged by a single response officer; in one case a single ex-employee with no specialized training or weapons could have reached the target.

According to attendees and a February 15, 1999 Inside N.R.C. story, in a February 10, 1999 briefing of NRC staff, nuclear industry representatives expressed concern that in a competitive electricity industry they could not afford, and their PUC's would not approve, money for plant security. They complained about the "junk" (barbed wire, fences, metal barricades) required for plant security and about the impact of this "junk" on public confidence in the plants. It seems to me that the public may have good reason to lack confidence in the nuclear industry's ability effectively to test its own security programs, given that even under the pressure of outside drills it has failed to secure the nuclear plants adequately, and it appears to resent the cost of necessary counter-terrorism measures.

I therefore strongly urge you and the other Commissioners to seek the advice of both the front-line NRC inspectors and outside counter-terrorism experts before acting on the NRC senior staff recommendations. I think they will agree on the importance of maintaining and using centralized expertise on nuclear plant sabotage, and on the importance of drills run by the NRC, not by the licensees themselves, in counteracting economic pressure on nuclear plants to cut corners on plant security. I also urge the Commission to review the adequacy of the twenty-two year old sabotage Design Basis Threat (and the five year old truck bomb Design Basis Threat) in light of current terrorist capabilities, and to reconsider cancellation of NRC's participation in the interagency threat assessment program (CAT) and cuts in NRC assistance in securing Russian nuclear materials sites.

Thank you for your continued attention to this issue.

Sincerely,

Edward J. Markey
Member of Congress

cc

Samuel R. Berger, National Security Council
Louis J. Freeh, Federal Bureau of Investigation